

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Albert E. Neferdorf

Debtor(s).

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Case No.: 16-17865

Chapter 13

Judge Ashely M. Chan

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

Now comes Wells Fargo Bank N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a mortgage lien upon the Debtor's real estate located at 456 Vine St., Langhorne, PA 19047.
2. Creditor has filed its proof of claim number 1 for the subject mortgage lien in the amount of \$44,940.96. The claim is filed as a total debt claim as the maturity date of the loan was April 28, 2016, prior to the filing of Debtor's bankruptcy case.
3. Debtor's Chapter 13 Plan contains an arrears amount on Creditor's lien of \$0.00 to be cured by the Plan, and proposes to make ongoing monthly payments to Creditor outside of the Plan.
4. Debtor's Plan is unclear whether Debtor is attempting to avoid Creditor's lien, as no motion or adversary proceeding has been filed, and the Plan does not acknowledge that Creditor's claim should be paid as a total debt claim.
5. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v.

American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Holly N. Wolf (322153)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA
19107

Paul H. Young, Attorney for Albert E. Neferdorf and Amy K. Neferdorf, 3554 Hulmeville
Rd., Suite 102, Bensalem, PA 19020, ykassoc@gmail.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on January 9,
2017:

Albert E. Neferdorf, 456 Vine Street, Langhorne, PA 19047

Albert E. Neferdorf and Amy K. Neferdorf, 456 Vine St, Langhorne, PA 19047

SLS, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80121-9000

DATE: 1/9/17

/s/ Karina Velter

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